SINGLE BENCH

CF-1001

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR, CHHATTISGARH

Writ Petition No. 4589 **of 2006**

PETITIONER : -

Sagun Singh
S/o Late Shri Madhaw Singh Thakur
age aobut 40 years Off.
Asstt. Gr.III Electricity Board
Distribution Centre, Dewari,
Tah: Daundi Lohara,
Distt.: Durg, Chhattisgarh.

P.R. No. 4089/06
Presented by Shri S.K. Chakrabarty
dated 22/12/06

Versus

RESPONDENTS:-

1. The Member (T.&D)
C.S.E.B Raipur .
Dangnia Raipur (C.G.)

2. The Secretary
C.S.E.B Raipur
Dangnia Raipur (C.G.)

3. Executive Engineer
(Operation & Maintanace),
Division, C.S.E.B., Balod,
Distt.: Chhattisgarh

4. Superintending Engineer,
Durg Circle C.S.E.B., Durg,
Chhattisgarh

5. State of Chhattisgarh
Through The Collector,
Distt.: Durg, Chhattisgarh

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OATH COMMISSIONER
APARNA MALVIYA
Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA 1950

XI-HC-78

(143)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4589/ **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

30-8-2006

Mr. Santosh Kumar Chaturvedi, counsel for the petitioner.

Miss Deepali Pandey, Panel Lawyer for the State/respondent No.5, on advance copy.

Heard both the counsel, on admission.

By the instant writ petition under Articles 226 & 227 of the Constitution of India, the petitioner, who is working as Assistant Grade-III in the Electricity Board Distribution Centre, Deori, has questioned his transfer order dated 24-6-2006 passed by respondent No.2, whereby he has been transferred from Deori to Division Office: Balod.

Transfer can be questioned only on the ground if the transfer is out come of mala fide or against the statutory rules.

I have perused the petition. The petitioner has not been able to allege and establish any of the grounds. Moreover, the petitioner, as has been stated by learned counsel for the petitioner, is working at Deori since last more than eight years. Therefore, the petitioner has already served for sufficient period at the present place and he has not been able to make out a case for interference of this Court under Article 226/227 of the Constitution of India.

Learned counsel for the petitioner argued that the petitioner has been transferred even though he was working since more than eight years at the present place whereas, some other employees who were working for more than ten years have not been transferred.

This cannot be made a ground for staying the transfer. It is the discretion of the competent authority to decide as to which employee is to be

P.T.O.

XI-HC-78

(144)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....WP.4589/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश – 2 –	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

transferred and which employee is not to be transferred. As has been mentioned earlier, transfer can only be questioned when it is the outcome of mala fide action.

Therefore, the writ petition is liable to be dismissed and it is hereby dismissed, in limine. No order as to costs.

Consequently, M.(W.)P.No.3546/2006 and I.A.No.8243/2006 stand disposed of.

Sd/-
L.C. Bhadoo
Judge

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